

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #14	CCRB Case #: 201907008	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/07/2019 7:23 PM	Location of Incident: Over the telephone (1st Precinct Detective Squad)	Precinct: 01	18 Mo. SOL 2/7/2021	EO SOL 9/24/2021	
Date/Time CV Reported Thu, 08/08/2019 1:37 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 08/08/2019 1:37 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Fabian Pelaez	1890	947334	001 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Fabian Pelaez	Abuse: Detective Fabian Pelaez refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]

## Case Summary

On August 8, 2019, § 87(2)(b) and her uncle, § 87(2)(b) filed this complaint in-person at the CCRB.

On August 7, 2019, at approximately 7:23 p.m., § 87(2)(b) and § 87(2)(b) had a telephone conversation with Detective Fabian Pelaez of the 1<sup>st</sup> Precinct Detective Squad. Det. Pelaez told § 87(2)(b) and § 87(2)(b) that a criminal complaint they had made was not going to be investigated by the NYPD. § 87(2)(b) asked Det. Pelaez for his name, and Det. Pelaez responded by disconnecting the phone call without stating his name (**Allegation A: Abuse of Authority** – § 87(2)(g))

The investigation did not identify any video or audio recordings related to this incident, and the nature of the incident did not require the use of body-worn-camera as per the Patrol Guide.

## Findings and Recommendations

### Allegation (A) Abuse of Authority: Detective Fabian Pelaez refused to provide his name to

§ 87(2)(b)

During their CCRB interviews (Board Review 01) (Board Review 02), § 87(2)(b) and § 87(2)(b) stated that they spoke to Det. Pelaez when Det. Pelaez initiated a call to § 87(2)(b) regarding a criminal complaint she had made. After answering Det. Pelaez's phone call, § 87(2)(b) called § 87(2)(b) and added him into the phone call. Det. Pelaez then told § 87(2)(b) and § 87(2)(b) that the NYPD would not be further investigating or taking any action in relation to the criminal complaint made by § 87(2)(b). After hearing this, § 87(2)(b) asked Det. Pelaez for his name, but Det. Pelaez did not state it. Det. Pelaez then disconnected from the telephone call.

During Det. Pelaez's CCRB interview (Board Review 03), he stated that he had made at least one telephone call to § 87(2)(b) in relation to her criminal complaint. However, Det. Pelaez stated that he did not recall any telephone conversation with § 87(2)(b) and did not believe that there had been a second person on his phone call with § 87(2)(b). Det. Pelaez did not recall if he told § 87(2)(b) that the criminal complaint she made was not going to be further investigated by the NYPD. Det. Pelaez stated that when he makes telephone calls with criminal complainants he always identifies himself at the beginning of the phone call, and had no recollection of further being asked for his name during any related phone call with § 87(2)(b).

The call log on § 87(2)(b)'s phone, captured in a photo taken during her CCRB interview (Board Review 04), showed that she had received a phone call from the 1<sup>st</sup> Precinct Detective Squad at 7:23 p.m. on August 7, 2019. A call log of § 87(2)(b)'s phone, captured in a photo taken during his CCRB interview (Board Review 05), showed that he received a phone call from § 87(2)(b) at 7:24 p.m. on August 7, 2019, consistent with § 87(2)(b)'s account that she called § 87(2)(b) to merged their calls together.

The CCRB obtained a DD5 generated by Det. Pelaez (Board Review 06), that documented a phone call he had with § 87(2)(b) in relation to this case. The DD5 states that this phone call took place at approximately 7:00 p.m. on August 7, 2019, and that during this phone call Det. Pelaez and § 87(2)(b) discussed the details of this case, with § 87(2)(b)

requesting that an individual be arrested in this case. There is no description of a second individual on this call, and no discussion of the content of this call beyond the details of § 87(2)(b) s criminal complaint. The next DD5 by Det. Pelaez, made at 7:50 p.m. on August 7, 2019, requests that the investigation be closed and referred to civil court.

Patrol Guide Procedure No. 203-09 (Board Review 07) requires that officers courteously and clearly state their name to anyone who requests they do so.

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 08).
- This is the first complaint to which § 87(2)(b) has been a party (Board Review 09).
- Det. Pelaez has been a member-of-service for twelve years and has been subject in two previous CCRB complaints and two allegations, neither of which were substantiated. § 87(2)(b)

§ 87(2)(g)

### Mediation, Civil and Criminal Histories

- On December 26, 2019, this case was sent to mediation and on November 2, 2020, this case was returned for investigation as the complaint was no longer suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

- As of November 17, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint.

Squad No.: 14

Investigator:	<u>Matthew Donaghy</u>	<u>Inv. Matthew Donaghy</u>	<u>March 22, 2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Cassandra Fenkel</u>	<u>IM Cassandra Fenkel</u>	<u>March 22, 2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date